

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH AUGUST MARSALA,

Plaintiff,

v.

RA,

Defendant.

Case No. 1:20-cv-01794-JLT-CDB (PC)

ORDER REFERRING CASE TO POST-
SCREENING ADR AND STAYING CASE
FOR 90 DAYS

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Joseph August Marsala is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983. This matter proceeds on Plaintiff's amended complaint alleging Defendant Ra retaliated against Plaintiff in violation of his First Amendment rights. (Doc. 13.) On May 3, 2023, Defendant filed an answer to Plaintiff's amended complaint. (Doc. 28.)

The Court refers all civil rights cases filed by *pro se* inmates to Alternative Dispute Resolution ("ADR") to attempt to resolve such cases more expeditiously and less expensively. In appropriate cases, defense counsel from the California Attorney General's Office have agreed to participate in ADR. No claims, defenses, or objections are waived by the parties' participation.

The Court stays this action for ninety days to allow the parties to investigate Plaintiff's claims, meet and confer, and participate in an early settlement conference. The Court presumes that all post-screening civil rights cases assigned to the undersigned will proceed to a settlement

conference. However, if, after investigating Plaintiff's claims and meeting and conferring, either party finds that a settlement conference would be a waste of resources, the party may opt out of the early settlement conference.

Accordingly, it is hereby ORDERED:

1. This action is STAYED for **ninety (90) days** to allow the parties an opportunity to settle their dispute before the discovery process begins. No pleadings or motions may be filed in this case during the stay. The parties shall not engage in formal discovery, but they may engage in informal discovery to prepare for the settlement conference.
2. **Within forty-five (45) days** from the date of this order, the parties SHALL file the attached notice, indicating their agreement to proceed to an early settlement conference or their belief that settlement is not achievable at this time.
3. **Within sixty (60) days** from the date of this order, the assigned Deputy Attorney General SHALL contact the undersigned's Courtroom Deputy Clerk at shall@caed.uscourts.gov to schedule the settlement conference.
4. If the parties reach a settlement during the stay of this action, they SHALL file a Notice of Settlement as required by Local Rule 160.
5. The Clerk of the Court SHALL serve via email copies of Plaintiff's amended complaint (Doc. 13), the Court's screening order (Doc. 17), and this Order to Supervising Deputy Attorney General Lawrence Bragg, and a copy of this Order to ADR Coordinator Sujean Park.
6. The parties are obligated to keep the Court informed of their current addresses during the stay and the pendency of this action. Changes of address must be reported promptly in a Notice of Change of Address. See L.R. 182(f).

IT IS SO ORDERED.

Dated: **May 8, 2023**


UNITED STATES MAGISTRATE JUDGE

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NOTICE REGARDING EARLY
SETTLEMENT CONFERENCE

1. The party or counsel agrees that an early settlement conference would be productive and wishes to engage in an early settlement conference.

Yes _____ No _____

2. Plaintiff (check one):

_____ would like to participate in the settlement conference in person.
_____ would like to participate in the settlement conference by telephone or video conference.

Dated:

Plaintiff or Counsel for Defendant